IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 661 of 1990

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHANDRAKANT S DHEDI SINCE DECEASED THROUGH HIS HEIR

Versus

BHUDARDAS B SONI

Appearance:

1. Civil Revision Application No. 661 of 1990

MR SURESH M SHAH for Petitioner

MS VASUBEN P SHAH for Respondent

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date of decision: 19/04/2005

ORAL JUDGEMENT

1. Feeling aggrieved by the judgement and order dated 5th May, 1990 passed by the learned Joint District Judge, Rajkot in Regular Civil Appeal No.115/1984, the

appellant, plaintiff in Regular Civil Suit No.300/1981 has preferred the present Revision Application under Section 29 (2) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (hereinafter referred to as "the Rent Act") in so far as the standard rent of the suit shop has been fixed at Rs.30=00 per month.

2. The petitioner was the landlord of the suit shop situated at Rajkot. The suit shop was leased to the defendant by the predecessor in title of the petitioner for a monthly rent of Rs.40=00. The petitioner purchased the suit shop in the year 1965 from his predecessor in title. The petitioner instituted the above referred Regular Civil Suit No.300/1981 in the Court of Small Causes, Rajkot for recovery of the vacant possession of the suit shop on the ground that the defendant had made alteration in the suit shop and thereby he had caused damage to the property; that the defendant had changed the user of the suit shop; that the defendant had raised the permanent structure in the suit shop and that the defendant had acquired alternative suitable accommodation. The suit for recovery of possession was dismissed by the learned trial Judge by judgement and order dated 7th July, 1984 and standard rent of the suit shop was fixed at Rs.30=00 per month. Feeling aggrieved the petitioner preferred Civil Appeal No.114/1984 in the Court of District Judge, Rajkot. The appeal was heard and dismissed by the learned Joint District Judge. Therefore, the present Revision Application.

3. Mr.Shah has submitted that the present Revision Application is confined to the standard rent determined by the trial Court and confirmed by the lower appellate Court. He has submitted that the agreed rent of the suit shop was Rs.40=00. Both the Courts below have erred in holding that the standard rent of the suit shop was Rs.30=00 per month.

4. In view of the concurrent finding recorded by both the Courts below, no interference is warranted. Revision Application is dismissed. Rule is discharged. There shall be no order as to cost.

(Ms.R.M.Doshit, J.)
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